EXHIBIT A

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

_____X Docket#

: 18-cv-02710-EK-LB CAPOGROSSO,

Plaintiff,

: U.S. Courthouse - versus -

: Brooklyn, New York

: March 16, 2021 GELBSTEIN, et al.,

Defendants : 11:01 AM

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE BEFORE THE HONORABLE LOIS BLOOM UNITED STATES MAGISTRATE JUDGE

A R AN CES:

Mario H. Capogrosso, pro se For the Plaintiff:

21 Sheldrake Place

New Rochelle, NY 10804

James M. Thompson, Esq. For the Defendants:

Office of the New York State

Attorney General 28 Liberty Street New York, NY 10005

David Smart, pro se For Defendant Smart:

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Brooklyn, NY 11229

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Proceedings recorded by electronic sound-recording, transcript produced by transcription service

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              THE CLERK: Civil Cause for Telephone Status
   Conference, docket number 18-cv-2710, Capogrosso v.
   Gelbstein, et al.
              Will the parties please state your names for
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   the record?
              MR. CAPOGROSSO: Mario Capogrosso, plaintiff,
   21 Sheldrake Place, New Rochelle, NY 10804.
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              MR. THOMPSON: Good morning.
              James Thompson from the Office of the New York
   State Attorney General for the state defendants and I'm
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   joined by Barbara Montina (ph.) who is in-house counsel
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   for DMV.
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              MR. SMART: Yeah, my name is Mr. David Smart.
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   I'm here on my behalf.
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              THE CLERK: The Honorable Lois Bloom presiding.
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              THE COURT: Good morning, Mr. Capogrosso, Mr.
   Thompson, Ms. Montina and Mr. Smart.
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              This is a telephone status conference in
   plaintiff's civil rights action. I last spoke with the
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   parties on May 5th, 2020.
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   this matter and Mr. Capogrosso, you wrote to the Court
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    and stated that you had served interrogatories on Mr.
    Smart before the discovery deadline. However, Mr. Smart
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And I directed you to provide the 1 interrogatories to the Court to review and I informed the parties that this would be the one exception to the discovery deadline. That's in ECF entry number 148. 5 I reviewed your interrogatories and I directed Mr. Smart to respond to the interrogatories and I 6 7 extended his deadline to do so. That's ECF entry number 8 154. 9 When Mr. Smart did not respond, Mr. Capogrosso moved for a default junction and sanctions against Mr. 10 Smart. That's ECF 157. 11 12 As Mr. Smart is like Mr. Capogrosso, proceeding 13 pro se, although Mr. Smart is not an attorney like Mr. Capogrosso, I denied the request for default judgment and 14 15 sanctions and set today's telephone conference to get Mr. Smart to answer the interrogatories orally on the record. 16 17 That's ECF entry number 159. Mr. Smart has since informed the Court by 18 letter, that he is receiving assistance from the City Bar 1.9 20 Justice Center Pro Se project and that he is drafted 24 A back in February and he said that they were going to be 22 23 served. Mr. Capogrosso, have you gotten Mr. Smart's 24

responses to the interrogatories?

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1 MR. CAPOGROSSO: I did receive a document. 2 is not signed, Judge, and that was one of the comments I 3 wanted to make. It's not signed by defendant Smart. 4 I don't know who wrote it and whether it's relevant or 5 It is also dated after the date that you material. required defendant Smart to respond by. It's dated 7 February 24th. You required him to respond by February 8 12th. 9 There's also -- it replies with the words

There's also -- it replies with the words
"information and belief" and according to -- Black's
Dictionary indicates information and belief is
information not made on firsthand knowledge but based on
secondhand knowledge.

THE COURT: So again, as far as the timeliness, Mr. Smart's letter which is ECF 59, requested an extension of time nunc pro tunc to serve his responses and I granted that request at ECF number 162. And I kept today's conference as scheduled to ensure that you have responses and if you're saying that the responses sent were not signed, I'm sure that's an oversight but in the record as I intended with Mr. Smart.

Mr. Smart?

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MR. SMART: Yeah.

THE COMPT. Are non willing today to answer

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- some of these questions on the record, so that we could get this matter completed?
- MR. SMART: Yeah.
- THE COURT: Okay, sir. So Mr. Smart, I am going to ask you to raise your right hand, please.
- 6 MR. SMART: Yeah.
- 7 DAVID SMART,
- having been first duly sworn, was examined and testified as follows:
- THE COURT: And can you state your full name, 11 sir?
- 12 MR. SMART: Yeah, my name is David Smart.
- THE COURT: And Mr. Smart, were you employed at the Brooklyn South Traffic Violations Bureau located at 2875 West 8th Street in Brooklyn, New York, sir?
- MR. SMART: Yeah, I was once employed there but.

 17 I am no longer there.
- THE COURT: Okay. So that answers question 1 and 2. What was your job when you were working there, 20 sir?
- mr. DMART: E WED I DECUELLY GUELA.
- 22 THE COURT: And who was your employer? Who
- 23 paid your wages when you were employed there?
- MR. SMART: Yeah, the -- I started with a company called PEC, started -- I started on 2/7 to '16,

6 Proceedings 2016. I was there the 2015 when this (indiscernible) 1 occurred with PEC. And then I resumed -- when PEC left, I resumed working with Explorer (ph.) from 2/20 to --3 2/2016 to October 8, 2020. THE COURT: So you're not currently working at 5 Brooklyn South Traffic Violations Bureau; is that 6 correct, sir? MR. SMART: No, yes, it's correct because I 8 left there since October 20, 2020 -- October 8th, sorry, October 8th, 2020. 10 THE COURT: So October 8th of 2020, you stopped 11 working at the Brooklyn South Traffic Violations? 12 MR. SMART: Yeah, yeah, I was working for 13 Explorer at the -- at that time. 14 THE COURT: Okay. And from -- I think you said 15 2016 until 2020, you were working at the Brooklyn South 16 Traffic Violations Bureau; is that correct? 17 MR. SMART: Yeah, with Explorer Company, a 18 different company, not PEC. PEC left and we were -- they 19 were replaced by Explorer, a security company located on 20 the 101st Street -- 60 bist Street in Manhattan. 21 THE COURT: So you're basically saying there 22 were different names of the employer because different 23 security firms got the contract but you were there from 24 2015 until 2020; is that --25

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MR. SMART: Yeah, yes, yes. It's how we did -- we had -- we had about five -- five different security companies, replacing one another.

THE COURT: Okay. So now I am going to ask you the question that Mr. Capogrosso wrote at number 5, this is on document 149-1. He asked, who told you to approach Mario Capogrosso on the morning of May 11th, 2015?

MR. SMART: Nobody -- nobody told me anything.

He was -- he was -- he -- he -- he came in. I was really

by the door, he came in -- he came in aggressively,

raised his hand up and went to the line and then

continuously looking at me, you know?

so I am looking and looking, we were looking at each other, and so -- and I say -- I say, wait a minute, let me do -- what's going on here? So I went -- I said oh, why are you looking at me? You see, I'm the one that looking at him. I said you are looking at me so like you want to start something. He say I was -- I was the one that was looking at him.

You know, all of the sudden -- all of the sudden, I was shocked though because I was knowing -- I was knowing for a long time. I was shocked. He just punched me in the chest and I had to hold onto the rail. I had to hold onto the rail and then some police officer came, everybody came around. Then they say hey, you ave

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to do something about this guy. So I -- I say no, I'm going to go and -- Danielle (ph.) came to me and said what happened. I said, my -- my response was say well go 61 on him, so I went to 6-0, I got 6-1 on him and two 4 police officers came with me, not too long, they came 5 Then they wanted to talk to him and he was 6 nowhere around. They waited for quite a while and trying. 7 to be -- they look around. I checked -- they checked the 9 restroom. They checked many other places. He wasn't anywhere on the ground. He was gone. 10

THE COURT: Okay.

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MR. SMART: And then they told me that the only thing I can do, I can contact the One Police Plaza. I went back to the 6-0 and they gave me a form to fill out and I sent out the -- the -- to One Police Plaza and One Police Plaza sent me a response that -- they -- they going to have a conversation with him or I was going to say, or they're going to send me a letter and the rest was history.

THE COURT: Mr. Smart, I'm going to ask you question number 6 which is similar to question number 5. Did defendant Alan Gelbstein, defendant Ida Trachin, defendant Danielle Calvo and/or Boshra Vahdat, tell you to approach Mr. Capogrosso on the morning of May 11th, 2015?

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9 Proceedings 1 MR. SMART: No way. No way. 2 THE COURT: Thank you, sir. 3 MR. SMART: They were not even -- they were not even near. 5 THE COURT: Thank you. Thank you, sir. Thank So I have gotten Mr. Smart to answer the 6 interrogatories under oath. I will get a copy of this conference transcript made part of the record and that in my mind, Mr. Capogrosso, has eliminated this issue which has caused some consternation and I do know that Judge 10 11 Komitee has set a scheduled for the defendant's summary judgment motion which means that they're going to serve 12 13 you with their motion on March 31st of 2021 and you have 1.4 until April 30th of 2021 to serve your opposition and 15 that they will reply and both sides should file their portions of the motion on May 10th, 2021. 16 17 Let me just mention, Mr. Thompson, that there is a special notice provision under 56.2 of the Local 18 19 Rules which although Mr. Capogrosso is an attorney and he is not entitled to the special solicitude that pro se 20 litigants are entitled to, it may be smart for you to 21 just to include the notice, so that for any determination 22 to be made, you've gone above and beyond what your duty 23 24 is and provided him special notice of how to oppose a

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motion for summary judgment.

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And Mr. Capogrosso, because you are an attorney, you are expected to look at Local Rule 56.1 and to file a counter statement to whatever 56.1 statement is filed by the defendants. Mr. Smart, I know that you're still working with the City Bar and that they were looking for limited scope pro bono counsel for the purpose of moving on your behalf for summary judgment. Is that correct, sir? MR. SMART: Yeah, I was called yesterday by Kat Ataka (ph.) and they say that she is looking for one to represent me. THE COURT: Okay. MR. SMART: And she is going to let me know as soon as possible. THE COURT: So you please stay in touch, so that when the motion is made to Judge Komitee, he'll have everybody's motion at the same time, okay? MR. SMART: Yeah. THE COURT: Mr. Capogrosso, do you have any questions for the Court before we adjourn? MR. CAPOGROSSO: I do. I do. THE COURT: Yes. MR. CAPOGROSSO: I do and I will keep it short because I will waste the Court's time and I don't want to

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do that but I do have several questions. Number one,

11 Proceedings will I be getting a copy of this deposition, your Honor? 1 2 THE COURT: Are you going to get a copy of the 3 transcript of today's --4 MR. CAPOGROSSO: Of the transcript --5 THE COURT: -- conference? 6 MR. CAPOGROSSO: -- yes. 7 THE COURT: Yes, you are sir. 8 MR. CAPOGROSSO: Yes, thank you. 9 May I ask Attorney Thompson concerning my 10 deposition which I have not received yet and I've sent 11 him a copy of mine. 12 THE COURT: Mr. Thompson? 13 MR. CAPOGROSSO: And when am I going to get it? 14 THE COURT: Mr. Thompson, can you get Mr. 15 Capogrosso a copy of his deposition transcript please? 16 MR. THOMPSON: Certainly, we can do that. 17 MR. CAPOGROSSO: When am I going to get it and 18 is it going to be a hard copy or an electronic file? I 19 sent you a hard copy. 20 MR. THOMPSON: If you would like, I can email 21 you a digital copy this afternoon. 22 MR. CAPOGROSSO: I don't want a digital copy, I 23 want a hard copy. I sent you a hard copy. I would like 24 a hard copy (indiscernible). 25 THE COURT: Sir, sir, sir?

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MR. CAPOGROSSO: Yes.

THE COURT: Nobody is in their office, so if
what you're asking for him to print it in a printer and
put it in the mail to you, it's going to take longer.

Don't you have a printer at your home where he could
email it to you and you could print it out for yourself?

MR. CAPOGROSSO: Judge, I would like it the way
I sent it to Attorney Thompson. That's how I would like
it, hard copy.

THE COURT: Mr. Thompson, is there a way that you could get it printed in your office and sent to Mr. Capogrosso?

MR. THOMPSON: We could but what I would ask in return, it's much more useful for us to have copies of transcripts in digital formats because when he sends things to us in hard copy, we have to have someone go through page-by-page and scan it.

So what I would say is if we're going to print out a hard copy for him, I would request a digital copy of the transcripts he's taken.

MR. CAPOGROSSO: That's fine. That's fine.

22 | That's fine.

THE COURT: So Mr. Capogrosso --

MR. CAPOGROSSO: That's fine.

THE COURT: -- they will print out a copy for

13 Proceedings you because that's your preference and he said could you please email him --3 MR. CAPOGROSSO: Absolutely. THE COURT: -- a digital copy of the 4 5 depositions that you took, okay? 6 MR. CAPOGROSSO: Well, normally the court reporter prints out a hard copy. I've done this for a 8 while. A hard copy, they do, they send you a hard copy 9 of (indiscernible). So that's fine. We'll make a hard 10 copy and as soon as I get a hard copy, I'll send you a 11 digital copy. 12 In terms of the deposition, Judge, this is the Court's deposition, am I allowed to (indiscernible) any 13 14 question? 1.5 THE COURT: No. 16 MR. CAPOGROSSO: I am not. 17 THE COURT: You're done. You're done. 18 MR. CAPOGROSSO: All right. Okay. 19 (Indiscernible). 20 THE COURT: Was there anything else today, Mr. 21 Capogrosso before we adjourn? 22 MR. CAPOGROSSO: When will I get the hard copy, 23 Attorney Thompson? 24 MR. THOMPSON: I -- let me check and see. 25 will try to get it in the mail for you by the end of the

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wee, does that work? 2 MR. CAPOGROSSO: That's fine. That will be 3 great. THE COURT: And likewise, I'll get the court 4 5 reporter's to transcribe today's conference and I will endeavor to get it to you by the end of next week, Mr. 6 7 Capogrosso. MR. CAPOGROSSO: All right. I'm not wanting to 8 waste the Court's time but I have one more comment that I 9 10 would like to ask Attorney Thompson and as well as the attorney for the DMV. This was brought up at the 11 deposition of defendant Gelbstein. May I ask Attorney 12 13 Thompson? 14 THE COURT: Go ahead, Mr. Capogrosso. 15 MR. CAPOGROSSO: Fine. At the attorney of Attorney Gelbstein, you testified that there were no 16 ticket brokers in his office. Defendant Calvo indicated 17 18 he saw ticket brokers in his office.

THE COURT: I'm having a difficult time, Mr. Capogrosso, understanding --

MR. CAPOGROSSO: Fine.

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THE COURT: -- what you're saying. I don't know if it's the line or you're speaking not into the phone but please, you are asking Mr. Thompson a question about Gelbstein's deposition, so what is the question?

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MR. CAPOGROSSO: Yes. The question is at his deposition, I'm speaking into the phone now, he indicated that there were no ticket brokers in his office, Jewish ticket brokers in his office. Defendant Calvo indicated that there were. She saw them. I saw them. I was there ten years. He indicated that he was not pleading motorists guilty on a sidebar with Judge Bloomstein. I indicated I saw that. He indicated that he might have --- might have ---

THE COURT: What is the question that you have, Mr. Capogrosso?

MR. CAPOGROSSO: The question is is this, your Honor. Your Honor, the question is this. These are allegations of wrongdoing on behalf of -- by Defendant Gelbstein by myself on behalf -- by defendant Gelbstein by myself. Has the Attorney General's office opened up an investigation concerning these allegations of wrongdoing with respect to defendant Gelbstein?

THE COURT: Mr. Capogrosso, sir, with all due respect --

MR. CAPOGROSSO: Yes.

THE COURT: -- you are an attorney. If you want to ask a FOIA request of the State regarding any investigation, you could do that but Mr. Thompson is not going to have to answer your questions today and again,

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as far as the summary judgment goes, if there are inconsistencies in the testimony of the witnesses, you could use that for whatever purpose is, you could use for whatever purpose you believe will help you sustain your burden as the plaintiff in this civil rights action but that's not the purpose of today's call.

So I am not going to have Mr. Thompson have to answer whether there's an investigation into these allegations. You say there was testimony that contradicted Gelbstein's testimony. You can point that out in your papers to the Court and make your best argument but that is not for Mr. Thompson today and if you want to file a FOIL request with the State to find out if there has been an investigation, you're an attorney, sir, you're free to do that.

MR. CAPOGROSSO: I understand that.

THE COURT: Okay?

MR. CAPOGROSSO: One more -- I don't want to waste the Court's time, I'll take one more minute.

THE COURT: Yes, sir.

MR. CAPOGROSSO: With respect to your questioning of defendant Smart, now I would ask that a more precise question because part of the question was who told defendant Smart -- who told you to approach me, approach, the word was approach.

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17 Proceedings THE COURT: He said no one did. 1 2 MR. CAPOGROSSO: Now defendant Smart --THE COURT: He said no one did. And he clearly 3 talked about that you walked in, were staring at him, he was staring at you, because you were staring at him and 5 that's why he approached you. That's what his sworn 7 testimony was. MR. CAPOGROSSO: He didn't say that he 8 9 approached me. THE COURT: Yes, he did. 10 MR. CAPOGROSSO: That's the question I want 11 more precise answer. He never said he approached me. 12 THE COURT: He said he approached you. He said 13 he approached you --14 MR. CAPOGROSSO: All right. I'll look at the 15 16 deposition. THE COURT: .-- for staring at him. 17 MR. CAPOGROSSO: I'll look at the transcript. 18 THE COURT: Okay. 19 MR. CAPOGROSSO: All right. Fine. Thank you, 20 21 Judge. THE COURT: Okay. Anything else, Mr. Thompson 22 23 before we adjourn today? MR. THOMPSON: Yes, your Honor, one quick 24 matter and it may be for Judge Komitee. I noticed in Mr.

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Smart's submission that he's contemplating filing his own motion for summary judgment which would presumably go on a different and alter timetable than ours.

THE COURT: Hopefully not, hopefully not.

Hopefully, whoever is filing for him will be able to file something short and sweet within the time frame set by the Court and if not, they'll make the application to Judge Komitee.

MR. THOMPSON: Okay. Our request was just that we, you know -- our time table be harmonized with that one but we can see what happens then.

THE COURT: Stay with your time table unless you need an extension of time and then you should approach Mr. Capogrosso before approaching Judge Komitee.

MR. THOMPSON: Thank you, your Honor.

THE COURT: Anything further, Mr. Smart, before we adjourn here today?

MR. SMART: No, what I -- what I would like to say to Mr. Capogrosso is that I have known him -- your Honor, I have known Mario, I used to work for Alexanders and that was how the whole thing started and I was talking him and I say oh, he used to work for Alexanders also. At what part --

 ${\tt MR.}$ CAPOGROSSO: No, this is off the record.

MR. SMART: No, no, no this is very --

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1 THE COURT: No, we're still on the record. 2 MR. SMART: This is very -- this is very 3 important. This is very important because that is where you and me became we're talking about this and then we're talking about Alexanders and all those kind of stuff and then -- then he also told me that he's so lonely where he 7 lives and he would like to find a place, a club or some 8 sort. So I told him about Log Cabin, that was a club on 9 23rd Street and Avenue Z and -- Town Coffee (ph.) on 20 -10 - on 18th Street and Avenue Z. And we went on -- that 11 went on, he carry on and you impressed me for introduce 12 you to those clubs. So you know, I am just shocked that 13 this nonsense will come to this kind of a area which I 14 wasn't expecting and that's all I have to say because I'm 15 very shocked. 16 MR. CAPOGROSSO: Well, this is nonsense. 17 out of work. My career has been ruined, David, ruined. 18 I don't have to explain --19 THE COURT: Again --20 MR. CAPOGROSSO: -- (indiscernible) the things 21 that you created, (indiscernible) stopped. 22 THE COURT: Mr. Capogrosso --23 MR. CAPOGROSSO: There was all kinds of 24 nonsense. 25 THE COURT: Mr. Capoqrosso, again --

20 Proceedings 1 MR. CAPOGROSSO: Yes, Judge. 2 THE COURT: -- you're litigating the case --3 MR. CAPOGROSSO: I understand. THE COURT: -- Mr. Smart just stated on the 4 5 record that he's shocked. It has nothing to do with the 6 merits of the case. He's shocked. 7 MR. CAPOGROSSO: Fine, Judge. 8 THE COURT: He's entitled to his feelings. 9 Is there anything else that anybody needs to 10 address today, otherwise I am adjourning the conference. 11 All discovery is closed. 12 MR. CAPOGROSSO: Okay, David. 13 THE COURT: The defendants have gotten 14 permission from Judge Komitee to move for summary judgment and the schedule has been set by Judge Komitee 15 16 and any alteration of that schedule should only be made 17 on application to Judge Komitee after the parties have spoken about it if they need any extension of time. 18 19 works on both sides, Mr. Capogrosso. If you need more time, you need to contact Mr. Thompson. If Mr. Thompson 20 needs more time, he needs to contact you and the Court 21 22 could always grant it even if one side or the other says 23 no. 24

So again, I am saying that the summary judgment schedule remains in effect. I have said to look at the

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Proceedings Local Rules, Mr. Thompson, to make sure that you're complying with them, that goes for you as well, Mr. Capogrosso. They'll get you the transcript of the deposition. You'll get them the transcripts. I will get the record made from today's conference and make that transcript available to you, Mr. Capogrosso and with that, we are adjourned. MR. CAPOGROSSO: Thank you. THE COURT: Thank you everybody very much. MR. SMART: Thank you, your Honor. (Matter Concluded) -000-

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic soundrecording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 17th day of March 2021.

AAERT CET 656 Transcriptions Plus II, Inc. **EXHIBIT B**

-:	
- 20	My NAME IS TAGAID GOIDON
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EXHIBIT C

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EXHIBIT D

EXHIBIT E

Law Office of Mario H. Capogrosso, Esq.

245 Saw Mill River Road, Suite 106 Hawthome, New York 10532

March 20, 2015

Ms. Elizabeth Prickett-Morgan NYS Office of the Attorney General 120 Broadway, 24th floor New York City, NY 10027

Dear Madam:

I am an attorney in the state of New York.

My Registration number is 424431.

Please reference index number 7738/2012. Capogrosso vs. State Dept of Motor Vehicles for which I was in litigation. A settlement agreement was reached on June 20, 2012. As part of this settlement agreement I was required to take an anger management course and upon completion of this course I was to be allowed to practice law in all DMV courts on an equal and unbiased standing with all other attorneys in the DMV.

To this date, I have been in complete compliance with all conditions as set forth as part of this settlement agreement.

However, the DMV has not upheld its side of this agreement.

on numerous occasions, I have been harassed, threatened and now currently my files are being tempered with while they are left unprotected in the attorneys room at the DMV at 2875 West 8th Street, Brooklyn, the principal DMV location at which I practice.

The threatening and harassment I have let go because I do not easily get intimidated nor harassed. But at this point my client's files are being tempered with and I must, as a attorney, object.

I provide the following in evidence:

- On numerous occasions your security guard Dave Sparks has told me to go F____ myself (will provide proof upon request);
- on several occasions your security guard Sparks has redirected other clients who come have looking for me specifically to other attorneys or has interfered with my conversations while speaking to a clients (will provide proof upon request);
- 3) your security guard Sparks has approached me, gotten in my face, stared and glared, I asked him what was the problem was and he told me I was the problem, F_____ you.

4) your security guard Sparks, has stood looked at me directly while I was standing on the DMV traffic line gave me the sign of the cross twice and directed a spear hand in my direction.

After several complaints to Administrative Judge Gelbstein, the Senior judge at the Brooklyn TVB, I called Sparks employer. Subsequently, your security guard Sparks was relieved from his duties at the Brooklyn DMV for two weeks (proof to be provided).

I have made numerous complaints to Judge Gelbstein. His response has been " a spade is a spade (his words not mine), he laughs and giggles.

Judge Gelbstein is either complicit, incapable or incompetent to handle this issue.

As I have stated, I have ignored these incidents and have attempted at all levels not to aggravate the situation.

I have been in countless courts in my ten years of practice as an altomey and have never seen such behavior in any court system.

As I have stated, I can defend myself and absolutely will, so to this point I have ignored these incidents.

However, at this point your security guard Sparks is entering the attorney's room and tempering with my files. I have asked Judge Gelbstein to look at security tapes and have gotten no response.

As an attorney, I must now object, I cannot have my files tempered with.

I do not want an incident on your floor, I do not want an incident in your courtroom, I have no reason to have any trouble with any of your employees at the Brooklyn DMV.

To date, I have been a perfect gentleman and in complete with all conditions as set upon me by the settlement reached on June 12, 2012.

The DMV has not upheld their side of this agreement.

All I ask is that they do so.

I do not seek to litigate but I will if I have to.

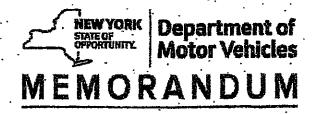
Please take any and all action to expedite and resolve these issues

Mario H.Capogrosso, Esq.

914-808-3692

NY Registration No. 4244331

EXHIBIT f



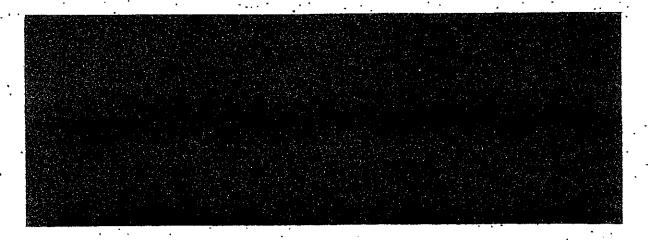
DATE: May 27, 2015

TO: Jean Flanagan and Vincent Palmieri

FROM: Danielle Calvo

RE: May 2015 Monthly Report

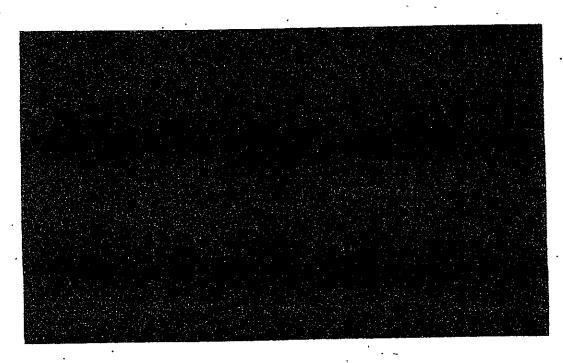
OFFICE: Brooklyn South TVB



-Workplace-Violence

On 5/5 two of the attorneys (Mr.Capagrosso and Mr.Tahir) had an altercation and a workplace violence report was submitted. On 5/11 Mr.Capagrosso pushed our security guard David Smart and another workplace violence report was submitted. Mr. Capagrosso was asked to leave the building that day and since then has not been permitted to enter any of the TVB offices.

www.dmv.ny.gov



I. Workplace Violence

On 5/5 two of the attorneys (Mr.Capagrosso and Mr.Tahir) had an altercation and a workplace violence report was submitted. On 5/11 Mr.Capagrosso pushed our security guard David Smart and another workplace violence report was submitted. Mr. Capagrosso was asked to leave the building that day and since then has not been permitted to enter any of the TVB offices.



Brooklyn South TVB

Monthly Report for period ending May 31, 2015

Legal Affairs Key Priorities for Program Area Performance and Results

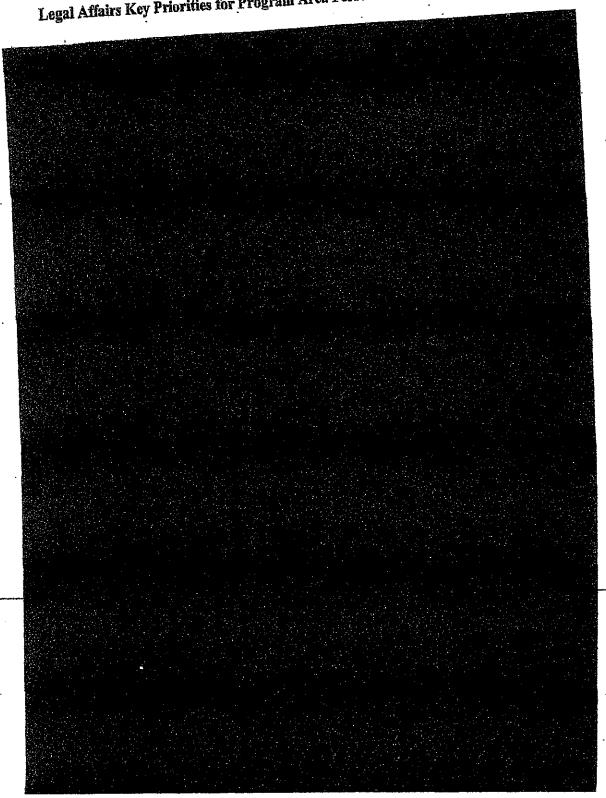


EXHIBIT G

Case 1:18-cv-02710-EK-LB Document 239-1 Filed 06/29/21 Page 38 of 64 PageID #: 3336

ase 1:18-cv-02710-MKB-LB Document 19-6 Filed 07/13/18 Page 17 of 23 PageID #: 166



New York State Department of Motor Vehicles DIVISION OF LABOR RELATIONS REPORT OF WORKPLACE VIOLENCE INCIDENT

Please fill out the form as accurately as possible and fax it to the Division of Field

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Page 1 of 2

Case 1:18-cv-02710-EK-LB Document 239-1 Filed 06/29/21 Page 39 of 64 PageID #: 3337 Case 1:18-cv-02710-MKB-LB Document 19-6 Filed 07/13/18 Page 18 of 23 PageID #: 167 Description of Events Leading to the Incident and What Occured:

Near line 1 Mr. Capogrosso said to security guard David Smart "Are you looking at me?". David replied "You are looking at me". Mr.Capogrosso said "back up, back up", he then pushed David in his chest.

Nature and Extent of Injuries:

Additional Comments:

911 was called and two officers responded. David went up to the 60pct with them to make a report. They said that they could not arrest Mr.Capogrosso because he pushed David with an open hand not a closed fist. I was told by Judge Gelbstein to go with officers from the police room, to tell Mr.Capogrosso that he must leave the building, and to give him legal's phone number for any further details. I did that and he left the building.

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MV-984 (12/11)

Page 2 of 2

EXHIBIT H

New York State Department of Motor Vehicles



Coney Island Traffic Violations Bureau 2875 West 8th Street Brooklyn, New York 11224



Date:

5/11/15

To:

Lator Felatons

From:

Dancelle Calvo

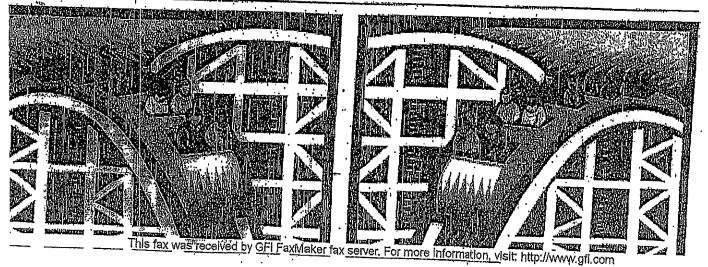
Number of pages including coversheet:

Our Telephone: 718-266-6867

Our Fax:

718-266-7478

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New York State Department of Motor Vehicles DIVISION OF LABOR RELATIONS

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Page 1 of 2

Case 1:18-cv-02710-EK-LB Document 239-1 Filed 06/29/21 Page 43 of 64 PageID #: 3341

Description of Events Leading to the Incident and What Occured:

Wear line 1 Mr. Capogrosso said to security guard David Smart "Are you looking at me?". replied "You are looking at me", Mr. Capogrosso said "back up, back up", he then pushed David in his chest.

Vature and Extent of Injuries;

dditional Comments:

911 was called and two officers responded. David went up to the 60pct with them to make a report. They said that they could not arrest Mr. Capogrosso because he pushed David with an open hand not a closed fist. I was told by Judge Gelbstein to go with officers from the police room, to tell Mr. Capogrosso that he must leave the building, and to give him legal's phone number for any further details. I did that and he left the building.

rielle Calvo

Name of individual Filling Report

Signature of Individual Filing Report

5/11/15

Dafe

Name of Supervisor

Signature of Supervision

14 (12/11)

Page 2 of 2

EXHIBIT I

Page 1		Page 3
•	1	
UNITED STATES DISTRICT COURT	2	(Whereupon, all 86 exhibits
EASTERN DISTRICT OF NEW YORK	3	were previously marked by Counsel,
MARIO H. CAPOGROSSO,	4	Mark Capogrosso,
DI AINTITE	5	DANIELLE CALVO, called as a
PLAINTIFF,	6	witness, having been first duly sworn by a
-against- Case No.:	7	Notary Public of the State of New York, was
18 CV 2710 (EK) (LB)	8	examined and testified as follows:
ALAN GELBSTEIN, in his individual capacity,	9	EXAMINATION BY
IDA TRASCHEN, in her individual capacity,	10	MR. CAPOGROSSO:
DANIELLE CALVO, in her capacity, SADIQ	11	Q. Please state your name for the
TAIHR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV	12	record.
COMMISSIONER MARK SCHROEDER, in his	13	A. Danielle Calvo.
official capacity,	14	Q. What is your address?
DEFENDANTS.	15	A. 9952 Fort Hamilton Parkway,
DATE: December 17, 2020	16	Brooklyn, New York 11209.
TIME: 1:24 P.M.	17	Q. All right.
DEPOSITION of the Defendant,	18	Mario Capogrosso, I'm just
DANIELLE CALVO, taken by the Plaintiff,	19	going to ask you a couple of questions. I
pursuant to a Notice and to the Federal	20	just want the truth, I want to get to the
Rules of Civil Procedure, held VIA ZOOM VIDEOCONFERENCE, before Jamie Newman, a	21	truth.
Notary Public of the State of New York.	22	Now, you had me removed, you
•	23	came to me on the morning of May 11, 2015
	24	at the Brooklyn TVB and you asked me to
	25	leave in the presence of police officers,
Page 2		Page 4
1	1	Danielle Calvo
2 APPEARANCES:	2	Am I right in saying that?
4 THE LAW FIRM OF MARIO H. CAPOGROSSO	3	A. That's correct.
PLAINTIFF PRO SE 5 21 Sheldrake Place	4	Q. Who told you to do that?
New Rochelle, New York 10804 6 Capogrossom@aol.com	5	A. I was told by my supervisors.
7	6	Q. Which supervisor?
8 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL	7	A. I was told by Ida Traschen.
9 Attorneys for the Defendants	1	
	8	-
ALAN GELBSTEIN, in his individual cupacity, IDA TRASCHEN, in her individual	8 9	
10 capacity, IDA TRASCHEN, in her individual capacity, DANTELLE CALVO, in her		Q. On the morning of May 11, 2015?
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capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, SALIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK	9 10	Q. On the morning of May 11, 2015?A. What is MR. THOMPSON: Is that a
capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her 11 capacity, SALIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID 12 SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity 13 28 Liberty Street, 17th Floor	9 10 11	 Q. On the morning of May 11, 2015? A. What is MR. THOMPSON: Is that a question? Q. On the morning of May 11, 2015
10 capacity, IDA TRASCHEN, in her individual capacity, DANTELLE CALVO, in her 11 capacity, SALIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID 12 SMART, and DMV COMMISSIONER MARK SCHROBDER, in his official capacity 13 28 Liberty Street, 17th Floor New York, New York 10005 14 BY: JAMES THOMPSON, ESQ.	9 10 11 12	 Q. On the morning of May 11, 2015? A. What is MR. THOMPSON: Is that a question? Q. On the morning of May 11, 2015 you had a telephone conversation with Ida Traschen?
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10 capacity, DA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, DANIELLE CALVO, in her capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity 13 28 Liberty Street, 17th Floor New York, New York 10005 14 BY: JAMES THOMPSON, ESQ. james.thompson@ag.ny.gov 15 16 DMV LEGAL BUREAU 17 Attorneys for the Defendant DMV COMMISSIONER MARK SCHROEDER, in his official capacity 6 Enpire State Plaza, Room 522A 19 Albany, New York 11228 BY: BARBARA MONTENA, ESQ. File #: 18CV2710 barbara.montena@dmv.nyc.gov	10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. On the morning of May 11, 2015? A. What is MR. THOMPSON: Is that a question? Q. On the morning of May 11, 2015 you had a telephone conversation with Ida Traschen? A. If that is the day you were asked to leave? Yes. Q. Now, for what reason did you have me removed? A. It wasn't my decision, it was my supervisor's decision. Q. It was Ida Traschen's decision? A. Yes.
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Danielle Calvo A. I was directed to call her. Q. By whom? A. A. Judge Gelbstein. building that morning? A. No, he was not. C. Did you view any of the videotape of the alleged incident between myself and Defendant Smart? M. Not that I recall, no. C. How did you get notice of the feet that there was an incident between myself and Defendant Smart? A. Not that I recall who. C. Who? A. No the was not. A. Not that I recall who. C. How did you get notice of the feet that there was an incident between myself and Defendant Smart? A. Not that I recall who. C. Who? Danielle Calvo and an altercation between myself and Defendant Smart? A. I don't remember, no. Q. Can you tell me exactly what that person said to you, exact nature of the conversation, the exact words used? A. I can't tell you fine exact words used? A. I can't tell you fine exact words used? A. Yes. Q. But, based on that testimony, you mude a decision to call Judge Gelbstein and the form of the question. You can answer. A. I don't remember, no. Q. Can you tell me exactly what that person said to you, exact nature of the conversation, the exact words used? A. I can't tell you fine exact words used? A. I can't tell you fine exact words used? A. Yes. Q. But, based on that testimony, you mude a decision to call Judge Gelbstein to the form of the question. You can answer. Q. And based on their testimony to you, you decided that there was an incident to the form of the question. You can answer. A. I didn't decide anything. I just called Judge Gelbstein and let him know what happened and then that was it, Q. And you didn't look at any videotape, right? A. No, I did not Q. And you didn't look at any videotape, but you didn't? A. No, I derive what the incident was videotape, but you didn't? A. No, Under tell what you were told exactly? A. No, The question of the form of the question. You can answer. A. At that treall had no the decision to call wind to dea what was videotape, but you didn't? A. No, A.	 	Page 5		Page 7
A. I was directed to call her. 3 Q. By whom? 4 A. Judge Gelbstein. 5 Q. Was Judge Gelbstein in the building that moming? 6 building that moming? 7 A. No, he was not. 8 Q. Did you view any of the videotape of the alleged incident between myself and Defendant Smart? 10 myself and Defendant Smart? 11 MR. THOMPSON: Objection to the fact that there was an incident between myself and Defendant Smart? 12 A. Not theat I recall, no. 13 answer. 14 A. Not theat I recall who. 25 Q. Was it Defendant Smart? 20 Q. Who? 21 A. I don't recall who. 22 Q. Was it Defendant Smart? 23 A. I don't recall who. 24 Q. And based on their testimony to you, you decided that there was an incident between and an altercation between myself and Defendant Smart? 26 Q. And based on their testimony to you, you decided that there was an incident between and an altercation between myself and Defendant Smart? 25 you, you decided that there was an incident between and an altercation between myself and Defendant Smart? 26 Q. And based on their testimony to you, you decided that there was an incident between answer. 27 A. I didn't decide anything. I just reported what I was told. 28 Q. Was it Defendant Smart? 29 A. Not the I recall, no. 20 Q. Who? 21 A. I don't recall who. 22 Q. Was it Defendant Smart? 23 A. I don't recall who. 24 Q. And based on that there was an incident between myself and before anything. I just called Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened and then that was it, on Judge Gelbstein and let him know what tappened in the form of the question. You can answer. 4 A. Not that I rec	1	Danielle Calvo	1	Danielle Calvo
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21 say, 21 Q. Did you ever talk to Defendant	20		20	MR. THOMPSON: Same objection.
	21		21	Q. Did you ever talk to Defendant
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23 witness some witness observation as to 23 A. I don't recall if I had any	23		23	A. I don't recall if I had any
24 what happened as to the truth; right? 24 particular conversation with him afterwards	24	what happened as to the truth; right?	24	particular conversation with him afterwards
25 MR. THOMPSON: Objection to the 25 or during, but I'm sure we did at some	,			

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MR. THOMPSON: Objection to the form of the question. You can answer. A. I may have asked him at the time, but I don't recall what he said to me off. O. Did you ask him before I was removed, or after I was removed? A. I don't know. Did you ever ask me as to what happened concerning that alleged incident? A. I don't recall the particulars of the incident, and you didn't concerning the incident, you don't recall the particulars of the incident, and you didn't talk to me concerning the accident. Page 10 Danielle Calvo Yet you make a phone call to pefendant Gelbstein concerning the incident, who tells you to call Ida Traschen had Defendant Smart at the Brooklyn TVB that I followed without and the same and the morning of May 11, 2015? A. Nu, I do not. Q. Are you privy or knowledgeable of the letter that I work to the attorney you knowledgeable about that? MR. THOMPSON: Object to the form, you can answer. Page 10 Danielle Calvo Yet you make a phone call to perendant Gelbstein concerning the incident, and you didn't talk to me concerning the incident, and you didn't talk to me concerning the incident who tells you to call Ida Traschen had Defendant Gelbstein or Ida Traschen had Defendant Smart approach me on the morning of May 8, 2015? A. Nu, I do not. Q. Are were you knowledgeable about that? MR. THOMPSON: Object to the form, you can answer. Danielle Calvo Yet you make a phone call to say? MR. THOMPSON: Object to the form, you can answer. Defendant Smart at the Brooklyn TVB that I followed with the say of the complaints? A. I kn		-	6	
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16 Q. You don't know. 17 Did you ever ask me as to what 18 happened concerning that alleged incident? 19 A. I don't remember having any 20 conversation with you, no. 21 Q. You don't recall the 22 particulars of the incident, you don't 23 recall talking to Defendant Smart 24 concerning the incident, and you didn't 25 talk to me concerning the accident. Page 10 Page 10 Page 10 Page 12 Panielle Calvo 2 Yet you make a phone call to 3 Defendant Gelbstein concerning the incident who tells you to call Ida Traschen 4 who tells you to call Ida Traschen 5 concerning the incident; is that fair to 8 say? MR. THOMPSON: Object to the 6 form, you can answer. 9 A. Yes. 10 Q. And as a result of that phone 11 call, I'm not allowed to practice at the 12 New York TVB, you know that; right? 13 MR. THOMPSON: Object to the 14 form, you can answer. 15 A. I was not aware at that moment 16 that that was what was going to happen, but 17 I am aware of that afterwards, yes. 18 Q. Did you approach me on the 19 afternoon of May 8th in the attorneys' room 20 in the presence of the Defendant Gelbstein, 21 did you and him approach me in the 22 afternoon of May 8, 2015? A. I don't know if we did or not. 24 C. You don't recall the 25 that I am aware of that afterwards, yes. 26 C. Do you recall Defendant 27 C. Did you kaver eas the tor who told me about it, I don't know if we did or not. 28 form, you can answer. 4 A. To my knowledge able of any of those complaints? 4 A. To my knowledgeable of any 29 O. Were you knowledgeable of any 20 Defendant Gelbstein, wore you knowledgeable of any 20 O. Unoly make complaints? 3 A. I know you made a lot of complaints about a lot of different people, particularly and specifically, did you have any knowledge of any of those complaints? 4 Mr. THOMPSON: Object to the form, you can answer. 4 I work TVB, you know that; right? 5 A. I don't recall specifically, on on the presence of the Defendant Gelbstein, did you and him approach me in the afternoon of May	15	•	15	-
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23 A. I don't know if we did or not. 23 MR. THOMPSON: Objection to the 24 Q. Do you recall Defendant 24 form. You can answer.	21		ī	
24 Q. Do you recall Defendant 24 form. You can answer.		afternoon of May 8, 20157	1	
1 2 3 3 3 3 3 3	1	4 7 1 1 4 10 10 10 1		
1 45 Mathetalia anviena to ma III nandarehatarena 1 25 A. Ta annea arrivest reconsiderale him	23		1	
25 Gelbstein saying to me, "I read what you 25 A. To some extent we could ask him	23 24	Q. Do you recall Defendant	1	

		1	
	Page 13		Page 15
1	Danielle Calvo	1	Danielle Calvo
2	to do certain things, but he worked for an	2	Q. Did you take any action and
3	outside company.	3	response to it?
4	Q. So, who did he report to on a	4	A. Not that I remember.
5	daily basis?	5	Q. So, you didn't try to curtail
б	A. He had to call into his office	6	that threat or respond to it in any way?
7	every morning and he submitted his time	7	MR. THOMPSON: Object to the
8	cards to them, but we had to know he was	8	form, you can answer.
9	there.	9	A. I don't know if I knew about it
10	Q. Who governed his day-to-day	1.0	and I don't know if I did, if I spoke to
11	activities at the Brooklyn TVB?	11	him or not.
12	MR. THOMPSON: Objection to the	12	Q. In December of 2014 Defendant
13	form. You can answer.	13	Smart stood up from where he was sitting,
14	A. We would tell him what we	14	pointed directly at me with a spear hand
15	wanted done as far as opening, closing.	15	and gave me the sign of the cross.
16	Things like that.	16	Were you aware of that
17	Q. You governed his day-to-day	17	complaint that I filed with Defendant
18	activities?	1.8	Gelbstein?
19	MR. THOMPSON: Same objection.	19	MR. THOMPSON: Objection to the
20	 Q. Clerical staff, the clerical 	20	form. You can answer.
21	supervisors governed his day-to-day	21.	A. I don't recall.
22	activities; is that correct?	22	Q. Do you recall reviewing any
23	MR. THOMPSON: Same objection.	23	videotape with respect to that complaint?
24	 To some extent, yes. 	24	A. No, I don't recall.
25	 Q. And did you receive complaints 	25	Q. Did you take any action in
			-
	Page 14		Page 16
1	Danielle Calvo	1	Danielle Calvo
2	with respect to Defendant Smart, did they	2	response to that complaint?
3	go to your office as a clerical supervisor?	3	A. That I don't recall.
4	MR. THOMPSON: Object as to	4	Q. In June of 2012, Defendant
5	form. You can answer.	5	Smart between December 11, 2011 and
6	A. It depends on who the complaint	6	December 12, 2012, Defendant Smart stole
7	was made to specifically.	7	\$80 on a \$150 fee,
8	Q. If I submitted a complaint to	В.	Were you aware of that, that he
9	Defendant Gelbstein, would become	9	stole \$80 on a fee that was owed to me?
10	knowledgeable of it and have authority to	10	MR. THOMPSON: Object to the
11	act upon it?	11	form, you can answer.
12	A. If you made the complaint to	12	A. No, I was not.
13	him, he may have told me about them, yes,	13	Q. Did you take any action in
14	but if you made it to him, then it would be	14	response to that complaint that I made to
15	up to him to make any decisions.	15	Defendant Gelbstein concerning that theft?
16	Q. Now, in June of 2012 Defendant	16	A. I don't recall.
17	Smart pushed me from behind, assaulted me	17	Q. Was there an investigation made
18	from behind reaching for my cell phone.	18	by your office, the clerical you, as a
19	Are aware of that complaint	19	supervisor, with respect to that theft?
20	that I filed with Defendant Gelbstein, were	20	A. I don't recall.
21	you aware of that?	21	Q. I made complaints to Defendant
22	MR. THOMPSON: Objection to the	22	Gelbstein concerning that Defendant Smart,
23	form,	23	after I reported this theft, would get in
24	A. Not that I recall, but it's	24	my face, within several inches of my face
25	possible at the time I did.	25	and I would ask him what was the problem

	Page 17		Page 19
1	Danielle Calvo	1	Danielle Calvo
2	and he would respond "fuck you, you are the	2	
3	problem."	3	A. Can you repeat that, I didn't understand?
4	Did you investigate any of	4	Q. You made no attempt to keep or
5	those complaints?	5	preserve that evidence, that videotape of
6	A. I don't recall.	6	the alleged altercation between myself and
1 7	Q. So, pretty much Defendant Smart	7	Defendant Smart?
8	was given carte blanche to act as he wanted	8	
9	to in the Brooklyn TVB with respect to your	9	MR. THOMPSON: Same objection.
10	office?	1	A. I don't know if it was
11		10	videotaped and I don't recall what was
12	MR. THOMPSON: Objection to the	11	there is no way for me to keep or erase
13	form of the question. You can	1	anything on there, unless someone would
14	answer.	13 14	have told us how to do it.
15	Q. You took no action and response to any of the threats of violence or	15	Q. So, you made no attempt to
16	harassment by Defendant Smart with respect	16	preserve it, you didn't make any phone
17	to my person; is that fair to say?	17	calls to the security people who monitor
18	MR. THOMPSON: Same objection,	18	these cameras to preserve that evidence,
19	2 ,	19	did you?
20	you can answer. A. I don't recall what was done	20	MR. THOMPSON: Objection to the form.
21	about any of those incidents.	21	A. Not that I know of:
22		22	
23	Q. I'm asking if you took any response, you made	23	Q. Did you ever view that
24	A. I don't remember.	24	videotape of the alleged incident between myself and Defendant Smart?
25		25	A. Not that I recall.
	Q. So, you gave Defendant Smart	23	A. NOUMALTICCAN
	Page 18		Page 20
1	Danielle Calvo	1	Danielle Calvo
2	carte blanche, freedom, to act the way he	2	Q. Did you observe Defendant
3	wanted to act; is that fair?	3	Gelbstein viewing that videotape in your
4	MR. THOMPSON: Objection, asked	4	presence?
5	and answered. Argumentative. You	5	MR. THOMPSON: Objection to the
6	can answer.	6	form. You can answer.
7	A. No, I did not.	7	A. Not that I recall.
8	Q. Who is in control of the	8	Q. Did you ever observe Ida
9	videotape at the Brooklyn TVB?	9	Traschen observe that videotape in your
10	MR. THOMPSON: Object to the	10	
	•	1	presence?
11	form, you can answer.	11	A. No.
12	form, you can answer. A. The cameras themselves um	1	A. No. Q. Now, there were many complaints
12 13	form, you can answer. A. The cameras themselves um the monitor was in the back office. There	11	A. No. Q. Now, there were many complaints written against me and my office while I
12 13 14	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type	11 12	A. No. Q. Now, there were many complaints
12 13 14 15	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive.	11 12 13	A. No. Q. Now, there were many complaints written against me and my office while I
12 13 14 15 16	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the	11 12 13 14	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical
12 13 14 15 16 17	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept?	11 12 13 14 15	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB.
12 13 14 15 16 17	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall.	11 12 13 14 15 16 17	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes.
12 13 14 15 16 17 18 19	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the	11 12 13 14 15 16	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they
12 13 14 15 16 17 18 19	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged	11 12 13 14 15 16 17 18 19	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes.
12 13 14 15 16 17 18 19 20 21	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged altercation between myself and Defendant	11 12 13 14 15 16 17 18 19 20	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they
12 13 14 15 16 17 18 19 20 21 22	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged altercation between myself and Defendant Smart on May 11, 2015?	11 12 13 14 15 16 17 18 19	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they didn't like me?
12 13 14 15 16 17 18 19 20 21 22 23	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged altercation between myself and Defendant Smart on May 11, 2015? MR. THOMPSON: Objection to the	11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they didn't like me? A. I can't say what they felt
12 13 14 15 16 17 18 19 20 21 22 23 24	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged altercation between myself and Defendant Smart on May 11, 2015? MR. THOMPSON: Objection to the form of the question. You can	11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they didn't like me? A. I can't say what they felt about it, I can only speak for myself. Q. Well, they made many complaints about me, that's fair, I mean, I have them.
12 13 14 15 16 17 18 19 20 21 22 23	form, you can answer. A. The cameras themselves um the monitor was in the back office. There was no tape, it was directly to some type of hard drive. Q. Did you request that any of the videotape of May 11th be preserved or kept? A. Not that I recall. Q. So, you kept none of the evidence that would have shown the alleged altercation between myself and Defendant Smart on May 11, 2015? MR. THOMPSON: Objection to the	11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Now, there were many complaints written against me and my office while I was there at Brooklyn TVB by the clerical staff at the Brooklyn TVB. Is that fair to say — is that a fair statement? A. Yes. Q. Is that a fair statement, they didn't like me? A. I can't say what they felt about it, I can only speak for myself. Q. Well, they made many complaints

		1	
	Page 21		Page 23
1	Danielle Calvo	1	Danielle Calvo
2	they were all made by clerks, some by	2	me
3	attorneys, one by a judge at the Brooklyn	3	A. I can't. I can't give you
4	TVB and the clerks were under your	4	MR. THOMPSON: Objection to the
5	supervision; right?	5	form of answer. You can answer,
6	MR. THOMPSON: Object to the	6	A. I can't give you a specific
7	form of the question, it's compound.	7	time or incident, but I remember speaking
8	You can answer.	B	to you personally myself, asking you that
9	A. The clerks were under my	9	if you had a problem with any of the
10	supervision, but I did not ever tell them	10	clerks, to come speak to me directly as a
11	what to write.	11	supervisor and I told you that many times.
12	Q. But, you were privy to the	12	Q. I never had a problem with any
13	complaints they made against me; am I	1.3	of your clerks, never.
14	right?	1.4	A. Excuse me?
15	A. I'm sure I was at that time,	15	Q. Your clerks had a problem with
16	yes.	16	me, they didn't like me. I'll get into
17	MR. THOMPSON: Objection.	17	that, but you can't give me one specific
18	Q. Did you investigate at any	18	instance and one specific occurrence?
19	point the voracity or truthfulness of any	19	MR. THOMPSON: Object to the
20	of these complaints?	20	form, asked and answered.
21	A. I may have, I don't know.	21	Q. Can you give me one specific
22	Q. You don't know.	22	instance of where I verbally abused one of
23	So, you don't know whether	23	your clerks, the date, the time and exactly
24	they're truthful or not; is that a fair	24	what I said, I'd like to know?
25	statement?	25	A. No, I can't.
			·
	Page 22		Page 24
7	Danielle Calvo	1	Danielle Calvo
2	MR. THOMPSON: Objection to the	2	Q. Are you familiar with
3	form. You can answer.	3	corruption at the New York TVB, are you
4	A. It depends on what exactly	4	familiar corruption and allegations of
5	we're talking about, I don't know.	5	corruption at the New York TVBs?
6	Specific incidents? I don't remember	6	MR. THOMPSON: Objection to the
7	specific incidents, but in general, I know	7	form of the question, you can answer.
8	that there was many times that there was	8	A. No.
9	problems.	9	O. You're not.
10	Q. Well, tell me one of the	10	Let me direct you to Exhibit 4.
11	problems, please, tell me one; I want you	11	Let me show you Exhibit 4.
12	to tell me one?	12	(Whereupon, Plaintiff's Exhibit
13	MR. THOMPSON: Is that a	13	4, previously marked, was
14	question?	14	introduced.)
15	Q. Yeah, tell me one of the	15	Q. Are you familiar with this
16	problems that you experienced with me and	16	article, DMV clerk accused of taking bribes
17	your clerical staff, tell me one?	17	for years in ticket fixing schemes.
18	A. That you would get aggressive	18	Do you have any knowledge of
19	with them, yelling at them.	19	this article?
20	Q. Who, who, tell me who?	20	A. It does not look familiar, no.
21	A. I can't name specific names,	21	Q. Are you familiar with ticket
22	you had a problem with everyone.	22	fixing schemes at the TVB in New York?
23	Q. Weil, tell me who, can you name	23	A. Am I? No, I'm not.
24	one; can you name one and tell me a	24	Q. As a clerical supervisor,
25	specific date and a specific instance, tell	25	you're not familiar with the clerks taking
		·	

EXHIBIT J

Page 1	Page 3
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK MARIO H. CAPOGROSSO, PLAINTIFF, -against- Case No.: 18 CV 2710 (EK) (LB) ALAN GELBSTEIN, in his individual capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, SADIQ TAHIR, in his individual capacity, EC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity, DEFENDANTS.	ALAN GELBSTEIN (Whereupon, all 86 exhibits were previously marked by Counsel, Mr. Capogrosso.) ALAN GELBSTEIN, called as a witness, having been first duly affirmed by a Notary Public of the State of New York, was examined and testified as follows: EXAMINATION BY MR. CAPOGROSSO: Q. Please state your name for the record. A. Alan Gelbstein. Q. What is your address? A. 1570 East 7th Street, Brooklyn, New York 11230. Q. Defendant Gelbstein we're here today because I need to take your deposition concerning the action filed against you, myself and several other defendants.
Page 2	21 defendants. 22 THE COURT REPORTER: Wait, 23 wait, you're breaking up Counsel. 24 Counsel, you're breaking up so I 25 can't hear you. Page 4
1 2 APPEARANCES: 3 THE LAW FIRM OF MARIO H. CAPOGROSSO	1 ALAN GELBSTEIN 2 MR. CAPOGROSSO: Can you hear 3 me now?
4 PLAINTIFF PRO SE 21 Sheldrake Pluce 5 New Rochelle, New York 10804 capogrossom@anl.com 6 7	4 THE COURT REPORTER: You are 5 still breaking up, it's not the best 6 connection. I could hear you, but it
OFFICE OF THE NEW YORK STATE 8 ATTORNEY GENERAL Autorneys for the Defendants 9 ATAN GFF RNTEIN, in his individual capacity, IDA TRASCHEN, in her individual 10 sepacity, DANIELLE CALVO, in her espacity, SADIQ TAHIR, in his individual	7 goes in and out. 8 MR. CAPOGROSSO: Can you hear 9 mc now? 10 THE COURT REPORTER: It goes in 11 and out.
11 capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK 12 SCHROEDER, in his official capacity 2R Liberty Street, 17th Floor 13 New York, New York 10005 BY: JAMES THOMPSON, ESQ. 14 james.thompson@ag.ny.gov	12 MR. CAPOGROSSO: Let me ask a 13 few more questions and see how we do. 14 Is that all right? 15 THE COURT REPORTER: That's
DMV LEGAL BUREAU 16 Attorneys for the Defendant DMV COMMISSIONER MARK SCHROEDER, in his 17 official capacity 6 Engire State Pluza, Room 522A 18 Albany, New York 11228	16 fine. 17 Q. These questions are all going 18 to be directed to Defendant, Gelbstein. 19 Were you in the Brooklyn
BY: BARBARA MONTENA, ESQ. 19 File #: 18CV2710 barbara.montena@dmv.nyc.gov 20 21 * * * *	20 Traffic Violation Bureau on the morning of 21 May 11, 2015? 22 A. At some point, yes. 23 Q. At what point did you arrive at
22 23 24 25	24 the Brooklyn Traffic Violation Bureau on 25 that day?

1 (Pages 1 to 4)

	Page 5		Page 7
1.	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. I arrived late, I don't recall	2	THE COURT REPORTER: That's my
3	the time.	3	impression, but if I put it on the
4	Q. Did you arrive after my removal	4	screen you have to wait because I
5	on that day?	5	can't have my hands off the machine,
6	A. Yes.	6	but yeah, if that's what you want me
7	Q. What are your normal business	7	to do.
8	hours at the Brooklyn TVB?	8	MR. CAPOGROSSO: Well, I
9	A. Business hours I believe are	9	already forwarded all the exhibits to
10	8:30 to 4:30.	10	counsel, attorney Thompson. So,
11	Q. So, why were you late that day?	11	attorney Thompson, do you not have
12	A. I had some personal things to	12	this exhibit?
13	attend to.	13	MR. THOMPSON: I do have the
14	Q. Did you not want to be in the	14	exhibit, but I think it would be best
15	building that day for any reason?	15	if it were put on the screen so
16	A. No. sir.	16	everyone can see it.
17	Q. Now, I was removed that day on	17	MR. CAPOGROSSO: Well, it's
18	May 11, 2015 under your direction?	18	actually Exhibit 69. Exhibit 69.
19	A. I beg your pardon.	19	THE COURT REPORTER: Is that
20	MR. THOMPSON: Objection to the	20	what you would like me to put up?
21	form of the question.	21	MR. CAPOGROSSO: No, actually,
22	Q. I was removed that day from the	22	it's Exhibit 68. Exhibit 68, let's
23	Brooklyn TVB by your direction, do you	23	start with that one.
24	recall doing that?	24	THE COURT REPORTER: Are these
25	MR. THOMPSON: Objection to the	25	already marked, Counsel?
	Page 6		Page 8
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	form of the question. You can	2	MR. CAPOGROSSO: It's marked as
3	answer.	3	Plaintiff's Exhibit 68. Scroll down
4	Q. Do you recall having me removed	4	to the first page.
5	from the Brooklyn TVB on May 11, 2015?	5	(Whereupon, Plaintiff's Exhibit
6	A. I don't believe that is	6	68, previously marked, was
7	correct.	7	introduced.)
8	Q. You don't recall having me	8	 Q. This is a work violence police
9	removed?	9	report, are you familiar with this document
10	A. I did not have you removed.	10	Exhibit 68?
11	Q. You did not?	11	A. Yes, I am.
12	A. No.	12	Q. Are you familiar with the
13	Q. Let me take you back lets	13	person at the top David Smart?
14	goes to Exhibit 70. Exhibit 70 that I have	14	A. Yes.
15	marked, Plaintiff's Exhibit 70.	15	Q. Now, I ask you take a look at
16	Are you in possession of	16	the second page.
17	Plaintiff's Exhibit 707	17	Right there under additional
1 8	A. I am not.	18	comments and I would like you to take note
19	Q. Is your attorney, Thompson, in	19	of the third line of that page which reads
20	possession of it?	20	"I was told by Judge Gelbstein to go with
21	MR. THOMPSON: My understanding	21	officers from the police room to tell Mr.
. 22	and Madame Court Reporter correct me	22	Capogrosso that he must leave the building
23	if I'm wrong, you're going to be	23	and give him a legal phone number for any
24	putting the exhibits up on the	24	further details. I did that and he left
25	screen; is that correct?	25	the building."

	Page 9		Page 11
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Now, that is a statement made	2	MR. THOMPSON: Objection, asked
3	by Danielle Calvo, would you agree to that?	3	and answered.
4	A. Yes.	4	Q. Did you have me removed from
5	Q. And you're saying that you did	5	the Brooklyn TVB based on that videotape,
6	not order Danielle Calvo to have me	6	did you?
7	removed?	7	A. I would have assuming that I
8	A. I may have, I I may have,	8	saw it, which I don't recall I did, it
9	yes.	9	would have been probably well after the
10	Q. So, which one is it, you had me	10	fact.
11	removed on that day?	11	Q. So, you're having me thrown out
12	A. I didn't physically remove you,	12	based on an allegation made by Danielle
13	I was, as I recall vaguely, I can't say	13	Calvo, is that it?
14	with absolute certainty, that they called	14	MR. THOMPSON: Objection to the
15	me telephonically and relayed what occurred	15	form of the question.
16	and at some point I imagine because it says	16	Q. Is that correct?
17	so here, I must have told her to have you	17	A. I believe based on what she
18	removed and to give you legal counsel's	1.8	told me, we took action.
19	phone number.	19	Q. And did you ask Danielle Calvo
20	Q. Well, who called you on that	20	if she viewed the videotape?
21	morning?	21	A. Did I ask her if she viewed it?
22	A. I believe it was Danielle.	22	Q. Yes.
23	Q. Danielle.	23	A. I did not ask her.
24	And what time did she call you?	24	Q. Did you approach me on the
25	A. I beg your pardon.	25	afternoon May 8th and said, "I saw what you
		 	· · · · · · · · · · · · · · · · · · ·
	Page 10		Page 12
1	Page 10 ALAN GELBSTEIN	7	Page 12 ALAN GELBSTEIN
1 2	_	1 2	ALAN GELBSTEIN wrote about me," concerning a letter I
	ALAN GELBSTEIN	1	ALAN GELBSTEIN wrote about me," concerning a letter I wrote to Attorney General Pricket-Morgan
2.	ALAN GELBSTEIN Q. And what time did she call you?	2	ALAN GELBSTEIN wrote about me," concerning a letter I wrote to Attorney General Pricket-Morgan that I called you complacent, incompetent
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2 3 4 5	ALAN GELBSTEIN Q. And what time did she call you? A. I don't recall the time. Q. Now, there was a videotape of this alleged altercation between myself and	2 3 4 5	ALAN GELBSTEIN wrote about me," concerning a letter I wrote to Attorney General Pricket-Morgan that I called you complacent, incompetent and incapable. Do you recall approaching me on the afternoon of May 8th?
2 3 4 5 6	ALAN GELBSTEIN Q. And what time did she call you? A. I don't recall the time. Q. Now, there was a videotape of this alleged altercation between myself and Defendant Smart, did you observe that videotape? MR. THOMPSON: I'm going to	2 3 4 5 6 7 8	ALAN GELBSTEIN wrote about me," concerning a letter I wrote to Attorney General Pricket-Morgan that I called you complacent, incompetent and incapable. Do you recall approaching me on the afternoon of May 8th? A. I do not.
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3 (Pages 9 to 12)

	Page 13		Page 15
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	available at the Brooklyn TVB on the	2	can answer.
3	morning of May 11, 2015?	3	A. I don't know who viewed it.
4	MR. THOMPSON: Objection.	4	Q. Did Ida Traschen view the
5	(Whereupon, there was	5	videotape before she had me removed
6	cross-talk, so Counsel re-asked the	6	before she told me that I was not allowed
7	question.)	7	to practice law in the Brooklyn TVB or any
8	Q. Were you purposefully not	8	New York TVB?
9	available on the morning of May 11, 2015?	9	MR, THOMPSON: Objection to the
10	A. No.	10	form.
11	Q. Did you tell Defendant Smart to	11	A. I don't know if Ida Traschen
12	approach me on the morning of May 11, 2015	- 12	observed it.
13	and create an incident between myself and	13	Q. Did you have a conversation
14	him?	14	with Ida Traschen on the morning of May 11,
15	MR. THOMPSON: Objection,	15	2015?
16	compound. You can answer.	16	A. I do not recall with certainty
17	THE WITNESS: I didn't hear	17	whether I did or not.
18	you, Counsel?	18	Q. Ida Traschen did not call you
19	Q. Did you tell?	19	and question you concerning my removal on
20	THE WITNESS: I heard you, I	20	the morning of May 11, 2015?
21	didn't hear Mr. Thompson said	21	MR, THOMPSON: I'm going to
22	something.	22	object on the basis of
23	MR. THOMPSON: Objection,	23	attorney/client privilege and work
24	compound, but you can answer the	24	product, the contents of any
25	question.	25	conversation between Judge Gelbstein
		1	
	Page 14		Page 16
7	_	1	Page 16 ALAN GELBSTEIN
1 2	ALAN GELBSTEIN	1 2	
1 2 3	AI.AN GELESTEIN A. Repeat the question, please.	1	ALAN GELBSTEIN
2	AI.AN GELESTEIN A. Repeat the question, please. Q. Did you tell Defendant Smart to	2	ALAN GELBSTEIN and Ida Traschen who is counsel of
2	AI.AN GELESTEIN A. Repeat the question, please.	2 3	ALAN GELBSTEIN and Ida Traschen who is counsel of DMV that is a legal conversation.
2 3 4	AI AN GELESTEIN A. Repeat the question, please. Q. Did you tell Defendant Smart to approach me on the morning of May 11, 2015?	2 3 4	ALAN GELBSTEIN and Ida Traschen who is counsel of DMV that is a legal conversation. And so, Judge Gelbstein I'll
2 3 4 5	AI AN GELESTEIN A. Repeat the question, please. Q. Did you tell Defendant Smart to approach me on the morning of May 11, 2015? A. No.	2 3 4 5	ALAN GELBSTEIN and Ida Traschen who is counsel of DMV that is a legal conversation. And so, Judge Gelbstein I'll instruct you not to answer any question what you said to Ida and what Ida said to you.
2 3 4 5 6	AI AN GELESTEIN A. Repeat the question, please. Q. Did you tell Defendant Smart to approach me on the morning of May 11, 2015? A. No. Q. Do you have authority over the actions of Defendant Smart at the Brooklyn TVB?	2 3 4 5 6 7 8	ALAN GELBSTEIN and Ida Traschen who is counsel of DMV that is a legal conversation. And so, Judge Gelbstein I'll instruct you not to answer any question what you said to Ida and what Ida said to you. Q. You still have to answer the
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Page 17 1 ALAN GELBSTEIN 2 Cricket's last name? 3 MR. CAPOGROSSO: 4 Pricket-Morgan, M-O-R-G-A-N. Pricket 5 is also her last name. Page 17 1 ALAN GELBSTEIN 2 MR. CAPOGROSSO: 3 that question. 4 Q. Now, I made certain of against Defendant Smart which	Page 19
2 Cricket's last name? 2 MR. CAPOGROSSO: 3 MR. CAPOGROSSO: 3 that question. 4 Pricket-Morgan, M-O-R-G-A-N. Pricket 4 Q. Now, I made certain of	T I
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4 Pricket-Morgan, M-U-R-G-A-N. Pricket 4 Q. Now, I made certain	, , , , , , , , , , , , , , , , , ,
	complaints
6 MR. THOMPSON: It's hyphenated, 6 your attention in this letter. I	
7 Pricket-Morgan. 7 to look down that page.	,
8 Q. You don't recall when you came 8 MR. CAPOGROSSO:	If you can
9 in possession of a letter of May 11, 2015? 9 scroll down the page, plea	
10 A. Not at this time. It's been 10 THE COURT REPOR	ī
11 five years and I did not review it, I 11 Q. Now, Item Number 1	
12 couldn't tell you. 12 your attention to Item Number	
13 Q. Was that letter forwarded to 13 that your security guard Davi	
14 you directly by Attorney General 14 repeated times "to go fuck my	
15 Pricket-Morgan? 15 Do you see that statem	
16 A. No. 16 A. I do.	
17 Q. Did you address any of the 17 Q. You did.	
18 complaints that I made in that letter of 18 Did you take any action	on in
19 March 20, 2015? 19 response to that statement, die	
20 A. I don't remember with 20 it?	
21 specificity what the complaints were. 21 A. Your statement does	not seem to
22 Q. Well, I will get that letter 22 be addressed to me for me to	
23 for you now, but did you take any action 23 upon David Sparks.	
24 with respect to that letter? 24 Q. Did I ever make a con	mplaint to
25 A. Again, if I don't know if I 25 your office concerning that ty	
Page 18	Page 20
1 ALAN GELBSTEIN 1 ALAN GELBSTEIN	ļ
2 don't recall the contents, I couldn't tell 2 behavior?	
3 you what my reaction would be. 3 A. You have come in to m	
4 Q. Fine, let me get you the 4 to complain about security guar	rd David
5 letter. Let's go to Exhibit 15. 5 Sparks, yes.	
6 (Whereupon, Plaintiff's Exhibit 6 Q. And what did you do in	ı response
7 15, previously marked, was 7 to those complaints?	
8 introduced.) 8 A. On each well, I don't	
9 Q. Defendant Gelbstein, do you 9 how many times you came in.	
10 recall receiving this letter? 10 coming in, I called David Spart	
11 A. Yes, I saw this letter. 11 told him that if he said anything	
12 Q. When did you see it? 12 derogatory or had an altercation	
13 A. I don't recall the first time I 13 he has to keep far away from y	
14 saw it. As I said, it was attached to an 14 he sees you, he should go in the	a opposite
15 e-mail I received. 15 direction.	
16 Q. And it's dated March 20th; is 16 Q. But, he didn't obey that	t order,
17 that correct? 17 did he?	
17 that correct? 17 did he? 18 A. Yes. 18 A. I don't know that to be	
17 that correct? 17 did he? 18 A. Yes. 18 A. I don't know that to be 19 Q. 2015? 19 correct, sir.	
17 that correct? 17 did he? 18 A. Yes. 18 A. I don't know that to be 19 Q. 2015? 19 correct, sir. 20 A. Yes. 20 Q. Well, he did approach	
17 that correct? 17 did he? 18 A. Yes. 18 A. I don't know that to be 19 Q. 2015? 19 correct, sir. 20 A. Yes. 20 Q. Well, he did approach 21 Q. The incident between myself and 21 morning of May 11, 2015; right	ıt?
that correct? 17 did he? 18 A. Yes. 19 Q. 2015? 20 A. Yes. 21 Q. The incident between myself and 22 Defendant Smart, this alleged push occurred 17 did he? 18 A. I don't know that to be correct, sir. 20 Q. Well, he did approach 21 morning of May 11, 2015; right 22 A. I don't know that to be	ıt?
that correct? 17 did he? 18 A. Yes. 19 Q. 2015? 20 A. Yes. 21 Q. The incident between myself and 22 Defendant Smart, this alleged push occurred 23 on May 11th, am 1 right? 17 did he? 18 A. I don't know that to be 20 Q. Well, he did approach 21 morning of May 11, 2015; righ 22 A. I don't know that to be 23 case, sir.	the
17 that correct? 18 A. Yes. 19 Q. 2015? 20 A. Yes. 21 Q. The incident between myself and 22 Defendant Smart, this alleged push occurred 17 did he? 18 A. I don't know that to be 19 correct, sir. 20 Q. Well, he did approach 21 morning of May 11, 2015; right 22 A. I don't know that to be	at? the

	Page 21		Page 23
1	ALAN GELBSTEIN	1	-
2	approached me on May 11, 2015, you didn't	1 2	ALAN GELBSTEIN
3	view that videotape at any point	3	Defendant Smart and telling me "a spade is
4	thereafter?	4	a spade"?
5	MR. THOMPSON: Objection to the	5	A. Are you reading something else
6	form of the question.	6	in the letter now?
7	THE WITNESS: Answer?	7	Q. Yes, the second page down.
8		8	A. I see the paragraph.
9	MR. THOMPSON: You may answer.	9	Q. Do you recall laughing and
10	Q. After he approached me on May 11th	10	giggling at me and telling me "a spade is a
11	THE COURT REPORTER: Wait, the	11	spade" when I complained about Defendant Smart's action?
12		12	
13	connection is not good. This is not	13	A. I didn't hear you. Can you
14	a good connection.	14	repeat the question?
15	MR. CAPOGROSSO: Give me one	15	Q. Do you recall laughing and
16	minute, maybe if I move my laptop to	1	giggling at me and telling me "a spade is a
17	a different location maybe I can get	16	spade" when I complained of Defendant's
18	a better connection. Can you give me one minute to do that?	17	Smart's actions? A. No.
19	THE COURT REPORTER: Sure.	19	
20		20	Q. Many Affidavits were written by
21	MR. CAPOGROSSO: Can you hear me better, Ma'am?	21	your clerks, by attorneys, by a judge
22	THE COURT REPORTER: Yes, I	22	against me and they were all presented to me for the first time in Defendant's Motion
23		23	to Dismiss.
24	can. The witness was trying to answer, but the connection got all	24	Are you familiar with those
25	messed up.	25	complaints and Affidavits of misconduct?
2.5	messed up.	2.5	complaints and Armavits of infectinguet?
	Page 22		
ł	raye 22	}	Page 24
1	-	1	
1 2	ALAN GELBSTEIN	1 2	ALAN GELBSTEIN
Į.	ALAN GELBSTEIN A. The answer is, I don't recall	2	ALAN GELBSTEIN MR. THOMPSON: Objection to
2	ALAN GELBSTEIN A. The answer is, I don't recall ever seeing the tape.	3	ALAN GELBSTEIN MR. THOMPSON: Objection to form, you can answer.
2 3	ALAN GELBSTEIN A. The answer is, I don't recall ever seeing the tape. Q. All right.	2 3 4	ALAN GELBSTEIN MR. THOMPSON: Objection to form, you can answer. A. I don't know which ones
2 3 4	ALAN GELBSTEIN A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the	2 3 4 5	ALAN GELBSTEIN MR. THOMPSON: Objection to form, you can answer. A. I don't know which ones specifically you are referring to, but yes,
2 3 4 5	ALAN GELBSTEIN A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints	2 3 4	ALAN GELBSTEIN MR. THOMPSON: Objection to form, you can answer. A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.
2 3 4 5 6	ALAN GELBSTEIN A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints to the office that your security guard	2 3 4 5 6	ALAN GELBSTEIN MR. THOMPSON: Objection to form, you can answer. A. I don't know which ones specifically you are referring to, but yes, I did receive complaints. Q. All right, fine.
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	Page 25		Page 27
1	ALAN GELBSTEIN	1	-
2	Q. So, I had no opportunity to	2	ALAN GELBSTEIN
3	respond to any of these complaints that	3	Brooklyn TVB? A. Could you repeat the question?
4	either your clerks were making or attorneys	4	Q. Did you use these complaints to
5	were making or even a judge made, you gave	5	have me removed from the Brooklyn TVB?
6	me no opportunity to respond before having	6	MR. THOMPSON: I object to the
7	me removed; is that fair?	7	
8	MR. THOMPSON: Objection to	8	form, you can answer.
9	form.	9	A. From the cumulative complaints, no one complaint in and of itself was the
10	A. No, it's not fair,	10	deciding factor. It was a cumulation of
11	Q. At what point in time did you	11	
12	give me an opportunity to respond?	12	complaints over a period of time.
13	A. As complaints came in over a	13	Q. And you just accepted all those
14	period of time, whenever there was a	1.4	complaints as true without asking for my affidavit in response; is that a fair
15	complaint lodged and it was more serious,	15	statement?
16	there were complaints I thought pay, but it	16	A. I did not ask for an affidavit
17	was a more serious, I would call you in and	17	in response.
18	I would tell you other complaints and I	18	Q. Well, let me draw your
19	would tell you to cease and desist and you	19	attention to a couple of those complaints
20	would promise that you would.	20	that you said you investigated the
21	And that was the end of the	21	truthfulness and voracity of if I may for
22	discussion with any particular complaint.	22	which you had me removed from the Brooklyn
23	Q. Well, tell me which complaint	23	TVB.
24	you did that because I don't recall it,	24	I'll ask you to take a look at
25	tell me, tell me the exact complaint?	25	specifically one that was made by your
2.5	territe, territe the exact complaint?	2.0	specifically one that was made by your
	Page 26		Page 28
			,
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	ALAN GELBSTEIN A. At this time I don't recall	1 2	-
2 3	 At this time I don't recall specificity, but as I said before, whenever 	1	ALAN GELBSTEIN
2 3 4	A. At this time I don't recall	2	ALAN GELBSTEIN chief clerk, your chief clerk which is
2 3 4 5	 At this time I don't recall specificity, but as I said before, whenever 	2 3	ALAN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 84? 84. Can we go
2 3 4 5 6	A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a	2 3 4	ALAN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 84? 84. Can we go to Exhibit 85, I'm sorry, 85.
2 3 4 5 6 7	A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my	2 3 4 5	AL AN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 847 84. Can we go to Exhibit 85, I'm sorry, 85. (Whereupon, Plaintiff's Exhibit
2 3 4 5 6 7 8	A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office. Q. But, you don't recall the date	2 3 4 5 6	AL AN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 847 84. Can we go to Exhibit 85, I'm sorry, 85. (Whereupon, Plaintiff's Exhibit 85, previously marked, was
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office. Q. But, you don't recall the date that you called me in or the complaint that you asked me to address? A. Right. Q. And you never asked me for a written reply to any complaint; is that fair? A. That's fair. Q. Did you ever investigate the voracity or truthfulness of any of these complaints? A. I did. Q. Or did you just accept them as truthful? A. I investigated to the best of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 8 9 20 21 22	ALAN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 84? 84. Can we go to Exhibit 85, I'm sorry, 85. (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.) Q. Are you familiar with Melanie Levine? A. Yes. Q. Who is Melanie, M-E-L-A-N-I-E, Levine? A. She, at the time, was a supervisor in the clerical office. Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk, MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23	A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office. Q. But, you don't recall the date that you called me in or the complaint that you asked me to address? A. Right. Q. And you never asked me for a written reply to any complaint; is that fair? A. That's fair. Q. Did you ever investigate the voracity or truthfulness of any of these complaints? A. I did. Q. Or did you just accept them as truthful? A. I investigated to the best of my recollection every serious complaint.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 8 19 20 21 22 23	AL AN GELBSTEIN chief clerk, your chief clerk which is Exhibit let's see 84? 84. Can we go to Exhibit 85, I'm sorry, 85. (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.) Q. Are you familiar with Melanie Levine? A. Yes. Q. Who is Melanie, M-E-L-A-N-I-E, Levine? A. She, at the time, was a supervisor in the clerical office. Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk, MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.)

	Page 29	Page 31
1 ALAN GELBSTEIN		_
· A CLEBOXEM		
1		Q. Won, for me ten you what
1 3 1		mappenda with and compident, IMI, I GIOZ (III)
- and another out of the		the time to represent that on the c
The second secon	ľ	· · · · · · · · · · · · · · · · · · ·
	6	Transfer and most me topy and was
7 MR. THOMPSON: I thi		and the a continuous by one of your
8 referring to the previous pag	'	JBro on mood itotaccomb, white with
9 Page 3.	9	ppened.
10 THE COURT REPORTE		ett eile uppea:
1 mough, out his com		appear and men no outlier
anomet. time, une is tage 2,		and arms any arms with the total me arms must
Birt is a descrite to exten up,		ma manage good badpanees and 1010 Mos. 11114
want Page 4, the handwritter MR. CAPOGROSSO: T		
16 that, Ma'am. Further up Ma' 17 right there.	•	00,000,000
18 Q. Did you investigate that	17	e star and machine me on
19 complaint, Defendant Gelbstein	18	those violations and you never investigated
20 A. I don't recall if I	20	
21 specifically investigated this cor		1.1.1.1 2112 1112 DOI (. 11000 HI)
22 Q. So. You don't know the		
23 voracity or truthfulness of that c		The Thomas Will Specifically
24 is that a fair statement?	опіріаніі, 23 24	
25 A. I don't recall at this time		ton plants, t don't tomerroom in the porce to
The Facility Countries and Countries Countries	. 23	min of not, I don't recan,
	Page 30	Page 32
¹ ALAN GELBSTEIN	7	ALAN GELBSTEIN
 Q. But, you used this as or 		Q. But, you never took my
3 the complaints of misconduct to	o have me 3	affidavit in response; right?
4 removed; is that right?	4	MR. THOMPSON: Objection, asked
5 A. This is one of many, ye	s. 5	and answered, you can respond.
6 Q. And you know I never	6	Q. Now, you know what happened
7 represented Mr. Perez on Janua	ry 11, 2015, 7	that day Mr. Perez approached me, after I
8 you know that; right?	8	gave him his money back and he told me he
9 A. I do not.	9	was going to cut me with a knife and the
Q. Well, she's making a fa		slash the tires of my car, you understand
11 statement. You could have inv		that, that's what he said to me?
,		MR. THOMPSON: Objection,
		assumes fact not in evidence,
14 form of the question. You		A. I wasn't there when you had the
15 answer.	15	conversation, I don't know what he said to
16 A. I don't recall the particu	ılar 16	nor do I know what you said to him.
17 complaint now with specificity		Q. But, you never took my
18 actions I took with regard to thi 19 don't recall whether I spoke to I		statement in reference to that complaint
 don't recall whether I spoke to I or not. I may have, I don't reca 		now did you?
21 Q. Did you ever talk to me		A. Again, I don't recall the
22 this complaint?	22	specific conversation we had with regard to it, if we didn't have a conversation.
23 A. Again, I don't remembe		ı
24 specificity with this particular c	omplaint 24	Q. You never had a conversation
		with me concerning this complaint because
25 whether I spoke to you on it or:	not, 25	there's no affidavit attached to this

EXHIBIT K

Response to Exhibit 23

My hand went up in defensive posture. Defendant Smart was in my personal space, and this was not for the first time. Reference my letter to Defendant Prickett Morgan Exhibit D where I sought relief from such behavior form Defendant Smart. As shown in my Complaint, dated May 8, 2018, Defendant Smart has pushed me from behind of for no apparent reason, gave me the sign of the cross and spear hand while standing on the clerk entry summons line (an I believe was removed from his duties at the Brooklyn South SMV TVB for approximately two weeks after such incident by Defendant Gelbstein), to get the summons for a day's hearings, got in my face several times in a threatening aggressive manner between June 20, 2012 and May 111, 2015 and when I asked what was the problem his response was "F-k you, you are the problem, and has admitted to taking money from one of my clients while at some point in time between December 11, 2011 to June 20, 2012 when I was required to take an anger management. He has admitted to taking \$80 owed from a client on a \$150 fee. He admits he took this money because he indicates that I authorized him to do so. An outright lie. He indicated that he gave this money to me. A lie. Simple and plain. During the time when Defendant Smart took this money between December 11, 2011 and June 20, 2012 I had no communication with the DMV and specifically with a security guard who worked at the DMV. I reported this abuse and theft to Defendant Gelbstein, he performed an investigation and let Defendant Smart remain at the Brooklyn TVB. After which time a series of threats and assaults began by Defendant Smart against my person at the Brooklyn DMV TVB which culminated in the incident of May 11, 2015. I have no motive for having any type of altercation with a security guard. I was there to represent clients and make my living. . Where is the proof of "verbal threats of physical violence, and verbal abuse, including the use of ethnic slurs" conditions set to pursuant to the June 20, 2012 reentry letter to my Office. There is none, I see no proof

Response to Exhibit 24

Same as above

Response to Exhibit 25

Police report filed no action taken against me.

Response to Exhibit 26

Defendant Calvo's admits to having me removed and banned from the TVB for two incidents 1) the incident with Tahir on May 8,2015, and 2) the incident with Smart on May 11, 2015. Please, look at the record. Where is the proof of "verbal threats of physical violence, and verbal abuse, including the use of ethnic slurs" conditions set to pursuant to the June 20, 2012 re-entry letter to my Office. There is none, I see no proof.

EXHIBIT M

	Duga 26d		Page 356
1	Page 354 M.H. Capogrosso	1	M.H. Capogrosso
2	I go in the morning, right.	2	Gelbstein that he stole \$80 and a \$150
	David would put up or somebody would put	3	fee and I found that out when I got back
	up the calendar. Most times it was David	4	after taking my anger management course.
	Smart and in the afternoon he would take	5	I told you that. Cindy told
	it down. So I have to go to the calendar	6	Q And
	to look at the calendar because in the	7	A And then I wrote to the
	morning there's a lot of people and	8	motorist. The motorist confirmed it. I
	everybody's rushing around here and	9	didn't go to the police because that's
	there. You have to know what courtroom	10	not what I do. I'm not going to get the
		11	guy arrested. Like maybe I should have
	to go in.	12	looking back on this thing now.
12	So I'm walking to the	13	Q And would you have
	calendar and he tells and I'm trying	14	A Gelbstein investigated it.
	to go to the calendar and he tells me I	15	Gelbstein admits to me that Smart said he
	deliberately walked into him. I mean		took the money and he gave it to me,
16	that's just stupid. We are both working	16 17	which is an absolute lie. First of all,
	in the same location. We both have to go		I authorized nobody to take money on my
18	to the calendar. He has to hang it up	ı	
19	and I have to look at it.	19	behalf, collect money on my behalf. He
20	I'm deliberately walking	20	had no authority to collect a fee on my
	into a security? I have to work in this	21	behalf, this security guard, Smart and
	courthouse. I'm sorry. As a lawyer I	22	Gelbstein believes it, that he gave me
	have to go to the board and look at the	23	the money. Gelbstein believes this.
24	docket to see where my case is being	24	I told him the security
25	held. This is what I'm being accused of,	25	guard had no authority to take the money,
	Page 355		Page 357
1	M.H. Capogrosso	1	M.H. Capogrosso
2	deliberately walking into a guard.	2	but he allows the security guard to stay
3	We work in the same	3	and then the harassment started and I
4	building. We both have to go to the	4	guess this is one of the ways he did it.
5	to the board in the morning, to the	5	He's saying I deliberately walked into
6	docket. He has to hang it up. I got to	6	him.
7	look at it to see where my case is.	7	Q And would it be correct to
8	That's all I have to say about this.	8	say that you feel that Mr. Smart had a
9	Q So is Mr. Smart lying?	9	grudge against you after this?
10	A That I deliberately walked	10	A Absolutely, absolutely he
11	into him, yes, absolutely. I don't	11	had a grudge. He wouldn't let it go. If
11	need	12	you steal, I'm going to report it. It's
12			
1	Q Why is he	13	a theft. It's a theft. I am a lawyer.
12	Q Why is he A this beef with a security	14	I am an officer of the court. You steal,
12 13	Q Why is he A this beef with a security guard. I don't need a beef with a	14 15	I am an officer of the court. You steal, you're not stealing from me. You're
12 13 14	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm	14 15 16	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is
12 13 14 15	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at.	14 15 16 17	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to.
12 13 14 15 16	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm	14 15 16 17 18	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he
12 13 14 15 16 17	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's lying?	14 15 16 17 18	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that
12 13 14 15 16 17 18	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's	14 15 16 17 18 19 20	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that Mr. Smart wanted to get rid of you
12 13 14 15 16 17 18 19	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's lying?	14 15 16 17 18 19 20 21	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that Mr. Smart wanted to get rid of you A Absolutely.
12 13 14 15 16 17 18 19 20	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's lying? A I don't know. Why would I	14 15 16 17 18 19 20 21 22	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that Mr. Smart wanted to get rid of you A Absolutely. Q because of this threat?
12 13 14 15 16 17 18 19 20 21	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's lying? A I don't know. Why would I deliberately walk into a security I'm	14 15 16 17 18 19 20 21	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that Mr. Smart wanted to get rid of you A Absolutely. Q because of this threat? A Absolutely. He wouldn't
12 13 14 15 16 17 18 19 20 21 22	Q Why is he A this beef with a security guard. I don't need a beef with a security guard at a courthouse that I'm trying to make a living at. Q And why do you think he's lying? A I don't know. Why would I deliberately walk into a security I'm going to the board to check the calendar.	14 15 16 17 18 19 20 21 22	I am an officer of the court. You steal, you're not stealing from me. You're stealing from that cab driver who \$80 is a lot of money to. Q And do you believe that he wanted not he. Do you believe that Mr. Smart wanted to get rid of you A Absolutely. Q because of this threat? A Absolutely. He wouldn't

1	Puga 426	·	
1	Page 426 M.H. Capogrosso	$ \ \ _{1}$	Page 428 M.H. Capogrosso
2	MR. THOMPSON: Ms.	2	. •
3	MacDonald	3	
4	MS. REPORTER: Yes. Let's	4	threw that letter to me. Like I said,
5	take a five minute break.	5	they threw it at me two days before I was
6	MR. THOMPSON: Sure. That's	6	to go back to the DMV. I agreed to
7	fine. We'll be back at 4:33.	7	nothing but to take an anger management
8	MR. VIDEOGRAPHER: The time	8	course, that's it.
9	is 4:28. We are off the record.	9	
10	(A short recess was taken.)	10	Q Well, once again A I took the course. I should
11	MR. VIDEOGRAPHER: The time	11	
12	is 4:33. We are on the record.	12	be treated like every other lawyer, not
13	Q Mr. Capogrosso, you still	13	on a special, you know, special I
14	see that we have Exhibit 28 up?	14	should be treated like every other
15	A Yes.	15	lawyer. That's all I agreed to was take
16	MR. THOMPSON: And,	16	a course.
17	Ms. MacDonald, in case we didn't mark	17	
18	it as Exhibit 28, let's please do	18	anything else if I knew this letter was going to be thrown at me.
19	that.	19	
20	Q You write in this letter	20	Q Mr. Capogrosso, you write that "On numerous occasions your security
21	that upon completion of the anger	21	guard Dave Sparks told me to go F
22	management course you were allowed to	22	myself."
23	practice law in all DMV courts on an	23	A I didn't know his name at
24	equal and unbiased standing with all	24	that point. It's Smart, not Sparks. I
25	other attorneys in the DMV; is that	25	didn't know his last name.
		20	
1	Page 427 M.H. Capogrosso	1	Page 429 M.H. Capogrosso
2	correct?	2	Q How did you not know his
3	A That was my assumption, yes.	3	last name at this point?
4	Q You say it was your	4	A I didn't know it.
5			
_	assumption. What do you mean by that?	ì	
6	assumption. What do you mean by that? A I'm a lawyer, I'm licensed	5	Q You had been interacting
6 7		5 6	Q You had been interacting with him for years you said.
	A I'm a lawyer. I'm licensed in the State of New York. I should be	5	Q You had been interacting with him for years you said. A We all knew him by David. I
7	A I'm a lawyer. I'm licensed in the State of New York. I should be treated like every other lawyer. I see	5 6 7	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name.
7 8	A I'm a lawyer, I'm licensed in the State of New York. I should be treated like every other lawyer, I see no reason why I shouldn't be. I should	5 6 7 8 9	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or
7 8 9	A I'm a lawyer. I'm licensed in the State of New York. I should be treated like every other lawyer. I see no reason why I shouldn't be. I should be held to the same standard as every	5 6 7 8	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or Smarks or something. I thought it was
7 8 9 10	A I'm a lawyer, I'm licensed in the State of New York. I should be treated like every other lawyer, I see no reason why I shouldn't be. I should	5 6 7 8 9	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or
7 8 9 10 11	A I'm a lawyer. I'm licensed in the State of New York. I should be treated like every other lawyer. I see no reason why I shouldn't be. I should be held to the same standard as every other lawyer practicing, no different. I	5 6 7 8 9 10	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or Smarks or something. I thought it was Sparks. I knew him I knew him as
7 8 9 10 11 12	A I'm a lawyer. I'm licensed in the State of New York. I should be treated like every other lawyer. I see no reason why I shouldn't be. I should be held to the same standard as every other lawyer practicing, no different. I took my course that I needed to take. I	5 6 7 8 9 10 11 12	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or Smarks or something. I thought it was Sparks. I knew him I knew him as the security guard, that's it. I know
7 8 9 10 11 12 13	A I'm a lawyer, I'm licensed in the State of New York. I should be treated like every other lawyer. I see no reason why I shouldn't be. I should be held to the same standard as every other lawyer practicing, no different. I took my course that I needed to take. I should be held on the same standard as	5 6 7 8 9 10 11 12 13	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or Smarks or something. I thought it was Sparks. I knew him I knew him as the security guard, that's it. I know his first name was David.
7 8 9 10 11 12 13 14	A I'm a lawyer. I'm licensed in the State of New York. I should be treated like every other lawyer. I see no reason why I shouldn't be. I should be held to the same standard as every other lawyer practicing, no different. I took my course that I needed to take. I should be held on the same standard as every other lawyer. Q But, in fact, you weren't quite on the same standing because you	5 6 7 8 9 10 11 12 13 14	Q You had been interacting with him for years you said. A We all knew him by David. I never talked to him about his last name. I know people said S Smart something or Smarks or something. I thought it was Sparks. I knew him I knew him as the security guard, that's it. I know
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